

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TIMOTHY PRICE,

Plaintiff,

V.

MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration

Defendant.

CASE NO. 11-cv-05170 RBL-JRC

**REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND**

This matter has been referred to Magistrate Judge J. Richard Creature pursuant to 28

U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by Mathews,

Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on

19 Defendant's stipulated motion to remand the matter to the administration for further

20 || consideration. (ECF No. 21.)

After reviewing Defendant's stipulated motion and the remaining record, the undersigned

22 recommends that the Court grant Defendant's motion, and reverse and remand this matter to the

23 administration for further consideration, pursuant to sentence four of 42 U.S.C. § 405(g).

1 On remand, based on the parties' stipulation, this Court recommends that the
2 Administrative Law Judge ("the ALJ") re-evaluate the medical evidence as a whole and re-
3 contact Drs. Moore and Joseph regarding the medical opinions provided in Exhibits 3F, 4F, 7F,
4 and 11F. The ALJ should further evaluate the weight assigned to these opinions and the medical
5 evidence in general. In doing so, the ALJ should provide specific reasons for accepting or
6 rejecting such opinions, and state the weight given to the opinions. With the assistance of a
7 medical expert, the ALJ should re-evaluate the nature, severity, and limiting effects of all of
8 Plaintiff's impairments, including drug addiction. The ALJ also should further evaluate
9 Plaintiff's residual functional capacity and credibility. The ALJ should perform a new step four
10 and five analysis. If necessary, the ALJ should obtain vocational expert testimony.

11 This Court recommends that the ALJ take any other actions necessary to develop the
12 record. In addition, Plaintiff should be allowed to submit additional evidence and arguments to
13 the ALJ on remand.

14 This Court further recommends that reasonable attorney fees should be awarded,
15 following proper application to the Court, pursuant to the Equal Access to Justice Act, 28 U.S.C.
16 § 2412. Judgment should be for Plaintiff and the case should be closed.

17 Given the facts and the parties' stipulation, the Court recommends that the District Judge
18 immediately approve this Report and Recommendation and order the case be **REVERSED** and
19 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

20 Dated this 28th day of July, 2011.

21 
22 J. Richard Creatura
23 United States Magistrate Judge
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